

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**RONALD E. MITCHELL,
APPELLANT
vs.**

**STATE OF MISSOURI,
RESPONDENT**

DOCKET NUMBER WD71863

DATE: FEBRUARY 15, 2011

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Jay A. Daugherty, Judge

Appellate Judges:

Division Two: Karen King Mitchell, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Attorneys:

S. Kate Webber, for Appellant

Robert J. Bartholomew, for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS**

WESTERN DISTRICT

RONALD E. MITCHELL, APPELLANT

v.

STATE OF MISSOURI, RESPONDENT

WD71863

Jackson County, Missouri

Before Division Two Judges: Karen King Mitchell, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Ronald Mitchell appeals the judgment of the motion court denying his Rule 24.035 motion for postconviction relief following an evidentiary hearing. Mitchell sought to vacate his conviction for second-degree felony murder, section 565.021, RSMo 2000, and sentence of twenty years imprisonment. In his sole point on appeal, he contends that his guilty plea was not knowing, intelligent, or voluntary because the record does not establish a factual basis for the essential elements of the underlying felony of unlawful use of a weapon by exhibiting, section 571.030.1(4), RSMo Cum. Supp. 2010.

AFFIRMED.

Division Two holds:

Where the record indicates that Mitchell had been advised of and understood the nature of the charges against him and the elements of felony murder and unlawful use of a weapon by exhibiting at the plea hearing or on some prior occasion, a factual basis existed for his plea, and the motion court did not clearly err in denying his Rule 24.035 motion for postconviction relief.

Opinion by: Victor C. Howard, Judge

Date: February 15, 2011

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